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Attorneys for Defendant Suprema, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SECUGEN CORPORATION

Plaintiff,

v.

SUPREMA, INC., et al.

Defendants.

Case No. 11-CV-3450 SI

**STIPULATION AND ~~PROPOSED~~
ORDER TEMPORARILY STAYING
CASE**

Plaintiff SecuGen Corporation (“SecuGen”) and Defendant Suprema, Inc. (“Suprema”) hereby stipulate as follows:

l a i ni AS, tere are currently two pendinn lawouito between SecuGen and
Supremaf

1 a i n i AS, on uuly Co, 20CC, Plaintiff SecuGen filed teio action for patent
infrinnement anainot Defendant Suprema "D.I. CD("te e SecuGen Patent Infrinnement
Action")f

1 a i ni AS, on uctoer Co, 20CC, SecuGen filed a Sirot Amended Complaint
addinn ao defendanto n2a Acceoo Teccnolonieo, Inc., n2a b SA, Inc. and Apirary,
Inc. on tce baoio tc at tc ey mar“et or re)oell Suprema© producto in tce b nited Stateo
”D.I. Cf B

1 a i n i AS, Supremae reopnoe to tce Sirot Amended Complaint io due on
December C, 20CC "D.I. C8D and tce Caoe Mananement Conference cao been
occ eduled for uanuary CO, 20C2 "D.I. COB

1 a i ni AS, on uune C, 20CC, prior to tce filinn of tce preoent action, Suprema
filed a Declaratory uudnment action in tcio Diotriect Court anainot SecuGen, oee“ inn,
inter alia, a declaration ao yalid and enforceable a “i o Proceedinn Clauoe” in an ui M
Anreement between Suprema and SecuGen dated May S, 200b, ”Caoe i o. 0”CCcy)
02C80)l a A (“tce Suprema Contract Action”)D SecuGen denieo tc at tce “i o
Proceedinn Clauoe” io yalid and enforceable, and cao counterclaimed for breacc of
contract and fraud.

1 a i ni AS, in tce Suprema Contract Action, Suprema alleneo tc at under tce
i o Proceedinn Clauoe SecuGen io precluded from initiatinn any adyeroe proceedinn
anainot Suprema, includinn any action for infrinnement of any of SecuGen[®] IP rinc to,
durinn tce term of tce u i M Anreement, wcicc io oet to eupire on May S, 20C2f and

1 a i ni AS, SecuGen and Suprema anree tc at tce ui M Anreement doeo not
bar SecuGen® purouit of a patent infrinnement action anainot Suprema for producto

could or offered for sale on or after May 5, 2012, and therefore currently agree, at a minimum, to stay the SecuGen Patent Infringement Action until May 5, 2012, without prejudice to any party herein to extend such stay pending resolution of the Suprema Contract Action.

Therefore, IT IS HEREBY STIPULATED by the parties and the parties respectfully request the Court do follow:

(C) The present SecuGen Patent Infringement Action shall be stayed until May 5, 2012.

(2) Defendant's response to the Sirote Amended Complaint in the present SecuGen Patent Infringement Action shall be due within fourteen (14) days of the lift of the stay and

(3) In addition to the stipulation preventing any party from requesting an extension of time to stay from the Court pending resolution of the Suprema Contract Action.

Dated December 6, 2011, respectfully submitted,

SecuGen Corporation

Suprema, Inc.

~~XXXXXXXXXXXXXXXXXXXX~~
Brian J. Mitchell

~~XXXXXXXXXXXXXXXXXXXX~~
D. James Pa


Attorney for Plaintiff SecuGen Corporation

Attorney for Defendant Suprema, Inc.

under

By: Brian J. Mitchell, IT IS HEREBY STIPULATED

December 6, 2011


~~XXXXXXXXXXXXXXXXXXXX~~
Susan Ilton
United States District Court

ATTESTATION PER GENERAL ORDER 45

I, Craig C. Daniel, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that the counsel listed above have concurred with this filing.

Dated: December 1, 2011

/s/

Craig C. Daniel

Attorneys for SecuGen Corporation